

AMENDED IN ASSEMBLY JUNE 24, 2010
AMENDED IN ASSEMBLY SEPTEMBER 9, 2009
AMENDED IN ASSEMBLY AUGUST 31, 2009
AMENDED IN ASSEMBLY JULY 14, 2009
AMENDED IN ASSEMBLY JUNE 30, 2009
AMENDED IN SENATE MAY 28, 2009
AMENDED IN SENATE APRIL 2, 2009

SENATE BILL

No. 769

Introduced by Senator Alquist

February 27, 2009

An act to amend Section 101320 of, and to add Sections 101318 and 101318.5 to, the Health and Safety Code, relating to federal funding, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 769, as amended, Alquist. Federal funding: supplemental appropriations: pandemic flu.

Existing law establishes procedures and requirements to govern the allocation to, and expenditure by, local health jurisdictions of federal funding received for the prevention of, and response to, bioterrorist attacks and other public health emergencies. Existing law provides that these procedures apply only when local health jurisdictions are designated by a federal or state agency to manage the funds for public health preparedness and response to bioterrorist attacks and other public

health emergencies, pursuant to a specified federally approved plan. Existing law repeals these provisions as of January 1, 2011, as specified.

This bill would *extend the repeal date to January 1, 2013, and would*, commencing with the 2009–10 fiscal year, provide that federal funding received pursuant to the federal 2009 Supplemental Appropriations Act for pandemic flu for purposes of state and local public health and emergency response infrastructure would be subject to appropriation by the Legislature for allocation by the State Department of Public Health, as prescribed.

This bill would also require the department to use funds allocated pursuant to the 2009 Supplemental Appropriations Act, as specified, to expand the capacity of the California Health Alert Network, or another appropriate communications network, in a manner that would allow the department to communicate electronically and in a timely manner with every general acute care hospital and primary care clinic in the state during a public health emergency.

By expanding the purposes for which an existing appropriation may be used, this bill would make an appropriation.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: ~~no~~-yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The Legislature intends to ensure that federal funds granted
- 4 for the purpose of emergency preparedness for responding to a
- 5 pandemic flu outbreak are distributed appropriately to local public
- 6 health jurisdictions.
- 7 (b) The public health infrastructure and workforce at the local
- 8 level are the first line of defense against communicable disease.
- 9 Without proper personnel in place, a response to the H1N1 flu
- 10 virus or any other public health threat is significantly weakened.
- 11 SEC. 2. Section 101318 is added to the Health and Safety Code,
- 12 to read:
- 13 101318. (a) Commencing with the 2009–10 fiscal year, federal
- 14 funding received pursuant to the 2009 Supplemental Appropriations
- 15 Act (Public Law 111-32) for pandemic flu for purposes of state

1 and local public health and emergency response infrastructure,
2 including, but not limited to, epidemiology, communicable disease
3 response, workforce, laboratory capacity, public communications,
4 and community mitigation guidance and planning, shall be subject
5 to appropriation by the Legislature in the annual Budget Act or
6 other statute for allocation by the department in accordance with
7 this article.

8 (b) This article shall govern instances when federal funding is
9 allocated and expended for disease control and prevention activities
10 by the state and local health jurisdictions.

11 (c) The proportion of funds allocated to local health jurisdictions
12 shall be ~~the same as~~ *at least* the proportion stipulated in the
13 2008–09 federally approved collaborative state-local plan *unless*
14 *stipulated otherwise by federal law or guidance*.

15 (d) The department may establish a minimum allocation of less
16 than one hundred thousand dollars (\$100,000) to local health
17 jurisdictions, if the department consults with the California
18 Conference of Local Health Officers and the County Health
19 Executives Association of California.

20 SEC. 3. Section 101318.5 is added to the Health and Safety
21 Code, to read:

22 101318.5. Using funds allocated pursuant to the 2009
23 Supplemental Appropriations Act (Public Law 111-32), and to the
24 extent permitted by federal law, the department shall expand the
25 capacity of the California Health Alert Network, or another
26 appropriate communications network, in a manner that allows the
27 department to communicate electronically and in a timely manner
28 with every general acute care hospital and primary care clinic in
29 the state during a public health emergency.

30 SEC. 4. *Section 101320 of the Health and Safety Code is*
31 *amended to read:*

32 101320. This article shall become inoperative on September
33 1, ~~2010~~ 2012, and, as of January 1, ~~2011~~ 2013, is repealed, unless
34 a later enacted statute that is enacted before January 1, ~~2011~~ 2013,
35 deletes or extends the dates on which it becomes inoperative and
36 is repealed.

37 ~~SEC. 4.~~

38 SEC. 5. This act is an urgency statute necessary for the
39 immediate preservation of the public peace, health, or safety within

- 1 the meaning of Article IV of the Constitution and shall go into
- 2 immediate effect. The facts constituting the necessity are:
- 3 In order to ensure an adequate and timely response to the H1N1
- 4 virus and other public health threats, it is necessary for this act to
- 5 take effect immediately.